

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADRIAN JOHN, Sr., et al.,

No. C 16-02368 WHA

Petitioners,

v.

REQUEST FOR AMICUS BRIEF

AGUSTIN GARCIA, et al.,

Respondents.

The Court respectfully invites the United States Attorney's Office and the Department of the Interior to file an amicus brief regarding the issue of jurisdiction over the pending petition for habeas corpus under Section 1303 of the Indian Civil Rights.


This dispute involves an attempt by a newly-installed tribal council to disenroll and possibly banish forty-five residents living on the reservation, most or all of whom were political non-supporters of the tribal council. The principal decisions regarding the issue of jurisdiction are: *Jeffredo v. Macarro*, 599 F.3d 913 (9th Cir. 2010) and *Poodry v. Tonawanda Band of Seneca Indians*, 85 F.3d 874 (2d Cir. 1996).

The Court has given petitioners a further opportunity to replead the petition in order to set forth their best case for jurisdiction (and so the Court has not yet issued any ruling). The Court respectfully requests the opinion of the United States Attorney's Office and the Department of the Interior regarding jurisdiction on the amended petition. The Court is giving notice so that the federal attorneys may begin their work. Please advise the Court regarding when you can submit a response.

1 The Clerk shall immediately serve a copy of this order on the United States Attorney's
2 Office and the Department of the Interior.

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4 **IT IS SO ORDERED.**

5 Dated: September 14, 2016.

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7 WILLIAM ALSUP
8 UNITED STATES DISTRICT JUDGE
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